IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TWENTY SEVENTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HONOURABLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.18658 of 2002

Between:

Vignan Institute of Technology & Science,Deshmukhi (V), Pochampalli Mandal, Nalgonda District, rep.by its President L.Rathaiah.

...PETITIONER

AND

1. All Indian Council for Technical Education, rep.by its Secretary, Indira Gandhi Sports Complex, I.P.Estate, New Delhi 110 002.
2. Government of Andhra Pradesh, Higher & Technical Education Department, rep.by its Principal Secretary, Secretariat, Hyderabad.
3. Jawaharlal Nehru Technology University, rep.by its Registrar, Hyderabad.
4. Convenor, EAMCET 2002-2003, Govt.of A.P., Hyderabad.

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, Order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondents 2 to 4 herein in not allotting students to the petitioner institution in respect of the additional course approved by the 1st respondent in letter F.No.730-50-281 (E) ET/99 dated 08.08.2002 as being illegal, arbitrary, and without jurisdiction and consequently direct the respondents 2 to 4 to permit the petitioner institution for making admission to the additional course sanctioned.

Counsel for the Petitioner: MR.B.ADINARAYANA RAO

Counsel for the Respondent No.2: GP FOR HIGHER EDUCATION

Counsel for the Respondent No.3: MR.C.KODANDA RAM

The Court made the following:

ORDER:

The petitioner is an engineering college, recognized by All Indian Council for Technical Education (AICTE), New Delhi and affiliated to Jawaharlal Nehru Technological University (JNTU). During the academic year 2002-03, the AICTE accorded permission to the petitioner to introduce B.Tech (Instrumentation) Course with intake of 60 students. However, it appears that respondent Nos.2 to 4 did not allot the students in respect of the increased intake of the seats, assailing which the Writ Petition is filed. This Court while admitting the Writ Petition passed the following interim order in W.P.M.P.No.22456 of 2002 dated 04.10.2002.

> The petitioner, a private Engineering College, was accorded approval by the 1st respondent through Order dated 28.08.2002 to introduce a course in Instrumentation and Control branch with intake of 60 students. Two conditions were imposed therein; the first one is as regards the fulfillment of the conditions as to affiliation and the second as regards the allotment of the candidates by the State Government for the current academic year.
>
> Inasmuch as it is evident from the proceedings of the 1st respondent that there is necessary infrastructure for the introduction of the said course in the petitioner-College, no useful purpose would be served if the seats are permitted to remain vacant.
>
> Accordingly, there shall be an interim direction to the respondents to allot the candidates to the petitioner-college in respect of the said course, if any students are forthcoming in the remaining phases of counselling.

In view of the interim orders passed by this Court directing the respondents to allot the students for the academic year 2002-2003, no cause survives in the Writ Petition. The Writ Petition is dismissed as infructuous.

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(V.V.S.RAO, J)

27th August 2004

RRB

Copy To:

1. The Secretary, All Indian Council for Technical Education, Indira Gandhi Sports Complex, I.P.Estate, New Delhi 110 002.
2. The Principal Secretary, Government of Andhra Pradesh, Higher & Technical Education Department, Secretariat, Hyderabad.
3. The Registrar, Jawaharlal Nehru Technology University, Hyderabad.
4. The Convenor, EAMCET 2002-2003, Government of A.P., Hyderabad.
5. Two CCs to G.P. for Higher Education, High Court Buildings, Hyderabad (OUT).
6. Two CD copies.

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